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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Elsa Keller
Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

GARY, ERIKA A

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,334

Applicant(s)

CARL ET AL.

Examiner

Erika A. Gary

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 13 is objected to because of the following informalities: on line 3, "positioned MS units" should be "self-locating MS units". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 10-13, and 18-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Garceran et al., US Patent Number 6,522,888 (hereinafter Garceran).

Regarding claims 1, 11, and 19, Garceran discloses a wireless communications network comprising: at least one network cell; a base transceiver station in each said network cell; a plurality of mobile subscriber units, said MS units in each said network cell communicating wireless with said BTS; and a position location receiver in at least one MS unit, said at least one MS unit being a positioned MS unit selectively providing located reception measurements to said BTS, located reception measurements

including a current MS unit location with current signal reception measurements [col. 3: lines 15-45; col. 4: lines 1-20].

Regarding claim 2, Garceran discloses said at least one cell is a plurality of cells, said at least one positioned MS unit is one of a plurality of self-locating MS units, each determining a respective current location, measuring current signal reception level and providing said current location with current signal reception measurements to a respective local said BTS at a selected time [col. 3: lines 55-60; col. 4: lines 1-20].

Regarding claims 3 and 20, Garceran discloses said local BTS selects said selected time [col. 3: lines 5-60].

Regarding claims 4 and 18, Garceran discloses said at least one MS unit is a cell phone unit and said position location receiver is a global positioning receiver in said cell phone [fig. 4; col. 6: lines 31-37].

Regarding claims 5, 12, and 22, Garceran discloses a reception level database predicting reception levels at locations within each network cell, said network updating said reception level database responsive to said located reception measurements [col. 3: lines 26-67].

Regarding claims 10 and 18, it is inherent for a wireless communication network to comprise a GSM network. Further, the type of networks lacks criticality to the overall function of the invention.

Regarding claim 13, Garceran discloses the plurality of MS units is a plurality of self-locating MS units, said plurality of self-locating MS units comprise a PDA with

wireless connectivity, a cellular phone, a notebook computer, a tablet computer and a text messaging device [col. 3: lines 55-60; col. 4: lines 1-20].

Regarding claim 21, Garceran discloses the selected time is automatically selected [col. 3: lines 55-60].

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-9, 14-17, and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garceran in view of Sheynblat et al., US Patent Number 6,677,894 (hereinafter Sheynblat).

Regarding claims 6, 14, and 23, Garceran does not specifically disclose providing location specific information to the positioned MS unit. However, Sheynblat teaches this limitation. Sheynblat discloses sending location specific information to a positioned mobile unit [col. 17: lines 24-29]. Further regarding claim 23, Garceran discloses said MS unit measures said signal reception level and locates said position [col. 4: lines 1-20].

Regarding claims 7, 8, 15, 16, 24 and 25, Sheynblat discloses the location specific information indicated local commercial activities or local hazards [col. 18: lines 35-58].

Regarding claims 9, 17, and 26, Sheynblat discloses the location specific information is provided as short message service messages [col. 7: lines 41-42].

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Garceran to include Sheynblat as providing location specific information to positioned mobile units is well known in the art to provide convenient information to the mobile unit user.

Response to Arguments

6. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG
September 7, 2006


ERIKA A. GARY
PRIMARY EXAMINER